

ORDINANCE NO. 1351

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY FOR CITY-INITIATED MUNICIPAL CODE AMENDMENT (Z-S-2023-0002), TO AMEND PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE TO ALLOW CARGO CONTAINERS TO BE USED FOR RESIDENTIAL ACCESSORY STORAGE; AND A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in an effort to allow affordable storage options to City residents, the City of Simi Valley proposes to amend Title 9 of the Development Code (SVMC) (Z-S-2023-0002), to allow cargo containers to be used for residential accessory storage with a Zoning Clearance when in compliance with certain standards; and

WHEREAS, on March 29, 2023, the Planning Commission of the City of Simi Valley held a public hearing and recommended approval as amended of Z-S-2023-0002; and the determination that the project is exempt from the California Environmental Quality Act; and

WHEREAS, on June 12, 2023, the City Council held a duly noticed public hearing on the proposed ordinance, where they considered evidence and testimony presented; and

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 1500, et seq.) pursuant to the provisions of Section 15061(b)(3), which states that: "A project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The findings in the Planning Commission staff report dated March 29, 2023, and the recitals set forth above are hereby adopted as findings.

SECTION 2. Various sections of Title 9 of the SVMC dealing with Cargo Containers are hereby amended as shown in Exhibit A, attached hereto.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section

36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

SECTION 5. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the city Council would have adopted the remainder of this ordinance without the severed and voided part, and that the reminder of this ordinance shall remain in full force and effect.

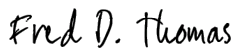
SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 17th day of July 2023.

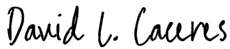
Attest:

DocuSigned by:

2C09E380D8CF450...
Lucy Blanco, City Clerk

DocuSigned by:

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Fred D. Thomas, Mayor of the City of
Simi Valley, California

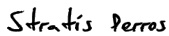
Approved as to Form:

DocuSigned by:

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David L. Caceres, City Attorney

Approved as to Content:

DocuSigned by:

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Brian Paul Gabler, City Manager

DocuSigned by:

BC7AE845E9D045C...
Stratis Perros
Environmental Services Director

ORD. NO. 1351

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1351 which was adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 17th day of July 2023 by the following vote of the City Council:

AYES: Council Member Rhodes, Mayor Pro Tem Judge and Mayor Thomas

NAYS: Council Members Litster and Cavanaugh

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, dated July 19, 2023.

DocuSigned by:

2C09E360D6CF450...
Lucy Blanco, CMC
City Clerk

EXHIBIT A

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. Revised code sections are shown as underlined text. Deletions are shown as ~~strikethrough text~~.

Cargo container used as accessory residential structures**Part 1 - 9-44.070 Cargo Containers****9-44.070 Cargo Containers****~~B. General standards for cargo containers in all applicable zoning districts.~~**

- ~~1. **Screening and placement.** All cargo containers shall not be visible from any public street. All cargo containers shall be screened from adjoining residential properties with a 10-foot wide landscaped buffer containing a combination of at least two specimen evergreen trees spaced no more than 20 feet from each other measured from the center of each tree within the required buffer area, shrubs, and screen plantings no less than eight feet tall spaced to provide a full screen hedge within a maximum of three years.~~
- ~~2. **Signs.** No signs shall be allowed on the cargo containers.~~
- ~~3. **Colors.** Cargo containers shall be the same color or a color compatible with that of the structure(s) on the site.~~

~~C.B. Standards for residential zoning districts.~~ The following cargo container standards shall apply in all RM, RL, RVL, RE, and OS residential zoning districts.

- ~~1. Cargo containers may be allowed only when incidental to the allowed nonresidential use (e.g., church, synagogue, or other structure used for religious worship, school, or hospital) located on the site.~~
1. Cargo containers may be allowed as permanent incidental storage to residential uses on parcels at least 20,000 square feet in area, or on parcels with an Animal, Limited Animal or Horse Overlay. Incidental storage to residential uses shall comply with the following requirements:
 - a. Use. A cargo container shall be non-habitable and used only for the storage of supplies, equipment, or other materials incidental to the approved Primary Residential Unit on site.
 - b. Location. Cargo containers can only be placed in yards on top of a concrete pad. In no instance, shall a cargo container be placed in any required parking spaces, driveways, easements or required yard setbacks. No cargo container shall be located closer than 10 feet from any side or rear property lines. Cargo containers shall not be allowed permanently in the front yard. Refer to Table 3-2 in Section 9-30.080.
 - c. Screening. All cargo containers shall be screened with a solid six foot high perimeter wall.
 - d. Colors. Cargo containers shall be painted in one (1) solid color, which is found on the primary residential unit on the site.
 - e. Limitations. Only one cargo container up to 160 square feet in size will be allowed per residential lot. The top of any cargo container shall not exceed a height of nine (9) feet as measured from abutting grade. No stacking of cargo

containers shall be allowed. No storage of materials on top of cargo containers shall be allowed. Cargo container shall not be outfitted with electrical or plumbing connections.

2. On a residentially zoned parcel with an allowed nonresidential use (e.g., church, synagogue, or other structure used for religious worship, school, or hospital), cargo containers may be allowed only when incidental to the allowed nonresidential use located on the site. Cargo containers shall either be considered as part of a development permit application, or added to a developed site with a Zoning Clearance, subject to the following provisions:

- a. Use. A cargo container shall be used only for the storage of supplies, equipment, or other materials incidental to the approved primary land use on the site.
- b. Location. In no instance shall a cargo container be placed in any required parking space, loading zone, drive aisle, easement, or landscaped area. No cargo container may be located closer than 20 feet from side or rear property line adjacent to residentially zoned property.
- c. Screening. All cargo. Cargo containers shall not be visible from any public street. All cargo containers shall be screened from adjoining residential properties with a 10-foot wide landscaped buffer, containing a combination of at least two specimen evergreen trees, spaced no more than 20 feet from each other measured from the center of each tree within the required buffer area, shrubs, and screen plantings no less than eight feet tall spaced to provide a full screen hedge within a maximum of three years.
- d. Signs. No signs shall be allowed on the cargo containers.
- e. Colors. Cargo containers shall be painted in one (1) solid color, which is found on the primary structure on the site.
- f. Limitations. The top of any cargo container shall not exceed a height of 10 feet as measured from abutting level land either on-site or off-site. No stacking of cargo containers shall be allowed. No storage of materials on top of cargo containers shall be allowed.

DC. Standards for commercial zoning districts. The following cargo container standards shall apply to the CI, CO, CPD, and CR zoning districts, except as otherwise provided in these regulations.

1. Cargo containers in the CI, CPD, and CR zoning districts. Cargo containers shall either be considered as part of a development permit application, or added to a developed site with a Zoning Clearance, subject to the following provisions:
 - a. Allowed only in rear half of site. Cargo containers shall only be located within the rear one-half of the site.
 - b. Use. A cargo container shall be used only for the storage of supplies, inventory, or equipment incidental to the approved primary nonresidential land use on the site. A cargo container shall not be used or occupied as office, sales, retail distribution, or manufacturing space, or for vehicle parking, and may not be leased for use by any off-premises person, business, organization or other entity.

- c. Location. Cargo containers may be allowed only in those zoning districts and locations which allow open storage, except as provided in Section 9-44.110 (Outdoor storage).
 - d. Limitations. Cargo containers shall conform to the maximum height, minimum setback, and minimum distance between structure requirements of the zoning district in which they are located. In no instance shall a cargo container be placed in any required parking space, loading zone, drive aisle, easement or landscaped area. The top of any cargo container shall not exceed a height of 10 feet as measured from abutting level land either on-site or off-site. No stacking of cargo containers shall be allowed. No storage of materials on top of cargo containers shall be allowed.
- 2. Cargo containers in the CO zoning district.
 - a. Cargo containers may be allowed in the CO zoning district only when incidental to the allowed use for a church, synagogue or other structure used for religious worship, school, or hospital on the site.
 - b. Cargo containers shall either be considered as part of a development permit application, or added to a developed site with a Zoning Clearance, subject to the following provisions:
 - (1) Use. A cargo container shall be used only for the storage of supplies, equipment, or other materials incidental to the approved primary land use on the site.
 - (2) Location. In no instance shall a cargo container be placed in any required parking space, loading zone, drive aisle, easement, or landscaped area. No cargo container may be located closer than 20 feet from any side or rear property line adjacent to residentially zoned property.
 - (3) Limitations. The top of any cargo container shall not exceed a height of 10 feet as measured from abutting level land either on-site or off-site. No stacking of cargo containers shall be allowed. No storage of materials on top of cargo containers shall be allowed.

ED. Standards for industrial zoning districts. The following standards shall apply to the LI and GI zoning districts, except as otherwise provided for in these regulations. Cargo containers shall either be considered as part of a development permit application, or added to a developed site with a Zoning Clearance, subject to the following provisions:

- 1. Allowed only in rear of principal structure. Cargo containers shall only be located within the following areas of the site:
 - a. LI zoning district. Cargo containers in the LI zoning district shall only be allowed in the area to the rear of the principal structure, or the rear two-thirds of the site, whichever would be more restrictive; and
 - b. GI zoning district. Cargo containers in the GI zoning district shall only be allowed to the rear of a line which is an extension of the front wall of the principal structure.
- 2. Use. A cargo container shall be used only for the storage of supplies, inventory, or equipment incidental to the approved primary nonresidential land use on the site. A cargo container shall not be used or occupied as office, sales, retail distribution, or manufacturing space, or for vehicle parking, and may not be leased for use by any off-premises person, business, organization, or other entity.

- 3. Location. Cargo containers may be allowed only in those zoning districts and locations which allow open storage, except as provided in Section 9-44.110 (Outdoor storage).
- 4. Limitations. Cargo containers shall conform to the maximum height, minimum setback, and minimum distance between structure requirements of the zoning district in which they are located. In no instance shall a cargo container be placed in any required parking space, loading zone, drive aisle, easement, or landscaped area. The top of any cargo container shall not exceed a height of 10 feet as measured from abutting level land either on-site or off-site. No stacking of cargo containers shall be allowed. No storage of materials on top of cargo containers shall be allowed.

Part 2 – Section 9-30.080 – Setback and Separation Requirements and Exceptions

Table 3-2 – SETBACKS FOR ARCHITECTURAL FEATURES AND ACCESSORY STRUCTURES

Structure	Minimum Required Setback			
	Front	Street Side	Side	Rear
Cargo Containers (Residential Storage) * ++	Not Allowed	10 feet		

++ Allowed on residential lots 20,000 square feet or greater, or with an A, L, or H Overlay, pursuant to Section 9-44.070(C)(1)(b).